

John J. Edmonds (SBN 274200)
 jedmonds@cepiplaw.com
 COLLINS EDMONDS POGORZELSKI
 SCHLATHER & TOWER, PLLC
 1851 East First Street Suite 900
 Santa Ana, CA 92705
 Telephone: +1-951-708-1237
 Facsimile: +1-951-824-7901

Attorney for Plaintiff
 DIGITAL IMAGE TECHNOLOGIES, LLC

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA
 WESTERN DIVISION

DIGITECH IMAGE
 TECHNOLOGIES, LLC,
 Plaintiff,
 v.
 ELECTRONICS FOR IMAGING,
 INC.,
 Defendant.

CASE NO. SACV 12-01324-ODW
 (MRWx)

JOINT REPORT UNDER
 FED.R.CIV.P. 26(f)
 AND L. R. 26-1

Hearing Date: April 1, 2013

Time: 1:30pm

Judge: Hon. Otis D. Wright, II

DIGITECH IMAGE
 TECHNOLOGIES, LLC,
 Plaintiff,
 v.
 PANASONIC CORPORATION
 and PANASONIC
 CORPORATION OF NORTH
 AMERICA,
 Defendants.

CASE NO. SACV 12-01667-ODW
 (MRWx)

JOINT REPORT UNDER
 FED.R.CIV.P. 26(f)
 AND L. R. 26-1

Hearing Date: April 1, 2013

Time: 1:30pm

Judge: Hon. Otis D. Wright, II

1 DIGITECH IMAGE
2 TECHNOLOGIES, LLC,
3 Plaintiff,
4 v.
5 BUY.COM, INC.,
6 Defendant.

CASE NO. SACV 12-01668-ODW
(MRWx)

JOINT REPORT UNDER
FED.R.CIV.P. 26(f)
AND L. R. 26-1

Hearing Date: April 1, 2013

Time: 1:30pm

Judge: Hon. Otis D. Wright, II

10 DIGITECH IMAGE
11 TECHNOLOGIES, LLC,
12 Plaintiff,
13 v.
14 BEST BUY CO., INC.; BEST BUY
15 STORES, LP; BESTBUY.COM
16 LLC,
17 Defendants.

CASE NO. SACV 12-01669-ODW
(MRWx)

JOINT REPORT UNDER
FED.R.CIV.P. 26(f)
AND L. R. 26-1

Hearing Date: April 1, 2013

Time: 1:30pm

Judge: Hon. Otis D. Wright, II

19 DIGITECH IMAGE
20 TECHNOLOGIES, LLC,
21 Plaintiff,
22 v.
23 CANON INC. and CANON U.S.A.,
24 INC.,
25 Defendants.

CASE NO. SACV 12-01670-ODW
(MRWx)

JOINT REPORT UNDER
FED.R.CIV.P. 26(f)
AND L. R. 26-1

Hearing Date: April 1, 2013

Judge: Hon. Otis D. Wright, II

1 2 3 4 5 6 7 8 9	DIGITECH IMAGE TECHNOLOGIES, LLC, Plaintiff, v. B&H FOTO & ELECTRONICS CORP., Defendant.	CASE NO. SACV 12-01671-ODW (MRW _x) JOINT REPORT UNDER FED.R.CIV.P. 26(f) AND L. R. 26-1 Hearing Date: April 1, 2013 Time: 1:30pm Judge: Hon. Otis D. Wright, II
10 11 12 13 14 15 16 17 18	DIGITECH IMAGE TECHNOLOGIES, LLC, Plaintiff, v. SAKAR INTERNATIONAL, INC. d/b/a VIVITAR, Defendant.	CASE NO. 8:12-CV-01673-ODW (MRW _x) JOINT REPORT UNDER FED.R.CIV.P. 26(f) AND L. R. 26-1 Hearing Date: April 1, 2013 Time: 1:30pm Judge: Hon. Otis D. Wright, II
19 20 21 22 23 24 25 26 27 28	DIGITECH IMAGE TECHNOLOGIES, LLC, Plaintiff, v. LEAF IMAGING LTD (d/b/a Mamiyaleaf), and MAMIYA AMERICA CORPORATION, Defendants.	CASE NO. 8:12-CV-01675-ODW (MRW) JOINT REPORT UNDER FED.R.CIV.P. 26(f) AND L. R. 26-1 Hearing Date: April 1, 2013 Time: 1:30pm Judge: Hon. Otis D. Wright, II

1 DIGITECH IMAGE
2 TECHNOLOGIES, LLC,
3 Plaintiff,
4 v.
5 OLYMPUS CORPORATION AND
6 OLYMPUS IMAGING AMERICA,
7 INC.,
8 Defendants.

CASE NO. SACV 12-01676-ODW
(MRWx)

JOINT REPORT UNDER
FED.R.CIV.P. 26(f)
AND L. R. 26-1

Hearing Date: April 1, 2013

Time: 1:30pm

Judge: Hon. Otis D. Wright, II

10 DIGITECH IMAGE
11 TECHNOLOGIES, LLC,
12 Plaintiff,
13 v.
14 LEICA CAMERA AG and LEICA
15 CAMERA INC.,
16 Defendants.

CASE NO. SACV 12-01677-ODW
(MRWx)

JOINT REPORT UNDER
FED.R.CIV.P. 26(f)
AND L. R. 26-1

Hearing Date: April 1, 2013

Time: 1:30pm

Judge: Hon. Otis D. Wright, II

19 DIGITECH IMAGE
20 TECHNOLOGIES, LLC,
21 Plaintiff,
22 v.
23 SONY CORPORATION; SONY
24 CORPORATION OF AMERICA;
and SONY ELECTRONICS INC.,
Defendants.

CASE NO. SACV 12-01678-AG
(ANx)

JOINT REPORT UNDER
FED.R.CIV.P. 26(f)
AND L. R. 26-1

Hearing Date: April 1, 2013

Time: 1:30pm

Judge: Hon. Otis D. Wright, II

DIGITECH IMAGE
TECHNOLOGIES, LLC,
Plaintiff,
v.
FUJIFILM CORPORATION,
Defendant.

CASE NO. SACV 12-01679-ODW
(MRWx)

JOINT REPORT UNDER
FED.R.CIV.P. 26(f)
AND L. R. 26-1

Hearing Date: April 1, 2013

Time: 1:30pm

Judge: Hon. Otis D. Wright, II

DIGITECH IMAGE
TECHNOLOGIES, LLC,
Plaintiff,
v.
GENERAL IMAGING CO.,
Defendants.

CASE NO. 8:12-cv-01680-ODW
(MRWx)

JOINT REPORT UNDER
FED.R.CIV.P. 26(f)
AND L. R. 26-1

Hearing Date: April 1, 2013

Time: 1:30pm

Judge: Hon. Otis D. Wright, II

DIGITECH IMAGE
TECHNOLOGIES, LLC,
Plaintiff,
v.
SIGMA CORPORATION ET AL.,
Defendant(s).

CASE NO. SACV 12-01681-ODW
(MRWx)

JOINT REPORT UNDER
FED.R.CIV.P. 26(f)
AND L. R. 26-1

Hearing Date: April 1, 2013

Time: 1:30pm

Judge: Hon. Otis D. Wright, II

DIGITECH IMAGE
TECHNOLOGIES, LLC,
Plaintiff,
v.
TARGET CORPORATION,
Defendant.

CASE NO. SACV 12-01683-ODW
(MRWx)

JOINT REPORT UNDER
FED.R.CIV.P. 26(f)
AND L. R. 26-1

Hearing Date: April 1, 2013

Time: 1:30pm

Judge: Hon. Otis D. Wright, II

DIGITECH IMAGE
TECHNOLOGIES, LLC,
Plaintiff,
v.
NIKON CORPORATION AND
NIKON INC.,
Defendants.

CASE NO. SACV 12-01685-ODW
(MRWx)

JOINT REPORT UNDER
FED.R.CIV.P. 26(f)
AND L. R. 26-1

Hearing Date: April 1, 2013

Time: 1:30pm

Judge: Hon. Otis D. Wright, II

DIGITECH IMAGE
TECHNOLOGIES, LLC,
Plaintiff,
v.
MICRO ELECTRONICS, INC.,
Defendant.

CASE NO. SACV 12-01686-ODW
(MRWx)

JOINT REPORT UNDER
FED.R.CIV.P. 26(f)
AND L. R. 26-1

Hearing Date: April 1, 2013

Time: 1:30pm

Judge: Hon. Otis D. Wright, II

1 DIGITECH IMAGE
2 TECHNOLOGIES, LLC,
3 Plaintiff,
4 v.
5 OVERSTOCK.COM, INC.,
6 Defendant.

CASE NO. SACV 12-01687-ODW
(MRWx)

JOINT REPORT UNDER
FED.R.CIV.P. 26(f)
AND L. R. 26-1

Hearing Date: April 1, 2013

Time: 1:30pm

Judge: Hon. Otis D. Wright, II

10 DIGITECH IMAGE
11 TECHNOLOGIES, LLC,
12 Plaintiff,
13 v.
14 NEWEGG INC. and
15 NEWEGG.COM INC.,
16 Defendants.
17 NEWEGG INC.
18 Counter-Plaintiff,
19 v.

CASE NO. SACV 12-01688-ODW
(MRWx)

JOINT REPORT UNDER
FED.R.CIV.P. 26(f)
AND L. R. 26-1

Hearing Date: April 1, 2013

Time: 1:30pm

Judge: Hon. Otis D. Wright, II

17 DIGITECH IMAGE
18 TECHNOLOGIES, LLC
19 and ACACIA RESEARCH
20 CORPORATION
21 Counter-Defendants.

1 DIGITECH IMAGE
2 TECHNOLOGIES, LLC,
3 Plaintiff,
4 v.
5 PENTAX RICOH IMAGING
6 COMPANY, LTD., PENTAX
7 RICOH IMAGING AMERICAS
8 CORP., RICOH COMPANY,
9 LTD., AND RICOH AMERICAS
10 CORP.,
11 Defendants.

CASE NO. SACV 12-01689-ODW
(MRWx)

JOINT REPORT UNDER
FED.R.CIV.P. 26(f)
AND L. R. 26-1

Hearing Date: April 1, 2013

Time: 1:30pm

Judge: Hon. Otis D. Wright, II

10 DIGITECH IMAGE
11 TECHNOLOGIES, LLC,
12 Plaintiff,
13 v.
14 XEROX CORPORATION,
15 Defendant.

CASE NO. SACV 12-01693-ODW
(MRWx)

JOINT REPORT UNDER
FED.R.CIV.P. 26(f)
AND L. R. 26-1

Hearing Date: April 1, 2013

Time: 1:30pm

Judge: Hon. Otis D. Wright, II

1 2 3 4 5 6 7 8 9	DIGITECH IMAGE TECHNOLOGIES, LLC, Plaintiff, v. KONICA MINOLTA BUSINESS SOLUTIONS, U.S.A., INC., Defendants.	CASE NO. SACV 12-01694-ODW (MRWx) JOINT REPORT UNDER FED.R.CIV.P. 26(f) AND L. R. 26-1 Hearing Date: April 1, 2013 Time: 1:30pm Judge: Hon. Otis D. Wright, II
10 11 12 13 14 15 16	DIGITECH IMAGE TECHNOLOGIES, LLC, Plaintiff, v. CDW LLC, Defendant.	CASE NO. SACV 12-01695-ODW (MRWx) JOINT REPORT UNDER FED.R.CIV.P. 26(f) AND L. R. 26-1 Hearing Date: April 1, 2013 Judge: Hon. Otis D. Wright, II
17 18 19 20 21 22 23 24 25 26 27 28	DIGITECH IMAGE TECHNOLOGIES, LLC, Plaintiff, v. VICTOR HASSELBLAD AB and HASSELBLAD USA INC., Defendants.	CASE NO. 8:12-cv-01696-ODW (MRWx) JOINT REPORT UNDER FED.R.CIV.P. 26(f) AND L. R. 26-1 Hearing Date: April 1, 2013 Time: 1:30pm Judge: Hon. Otis D. Wright, II

1 2 3 4 5 6 7 8 9	DIGITECH IMAGE TECHNOLOGIES, LLC, Plaintiff, v. CASIO COMPUTER CO LTD, et al., Defendant(s).	CASE NO. SACV 12-01697-ODW (MRW) JOINT REPORT UNDER FED.R.CIV.P. 26(f) AND L. R. 26-1 Hearing Date: April 1, 2013 Time: 1:30pm Judge: Hon. Otis D. Wright, II
10 11 12 13 14 15 16 17 18	DIGITECH IMAGE TECHNOLOGIES, LLC, Plaintiff, v. ASUS COMPUTER INTERNATIONAL and ASUSTEK COMPUTER INC., Defendants.	CASE NO. SACV 12-02122 ODW (SSx) JOINT REPORT UNDER FED.R.CIV.P. 26(f) AND L. R. 26-1 Hearing Date: April 1, 2013 Time: 1:30pm Judge: Hon. Otis D. Wright, II
19 20 21 22 23 24 25 26	DIGITECH IMAGE TECHNOLOGIES, LLC, Plaintiff, v. MOTOROLA MOBILITY LLC, et al., Defendant.	CASE NO. SACV 12-02123-ODW (MRWx) JOINT REPORT UNDER FED.R.CIV.P. 26(f) AND L. R. 26-1 Hearing Date: April 1, 2013 Time: 1:30pm Judge: Hon. Otis D. Wright, II

1 DIGITECH IMAGE
2 TECHNOLOGIES, LLC,
3 Plaintiff,
4 v.
5 APPLE, INC.
6 Defendant.

CASE NO. SACV 12-02125 ODW
(MRW_x)

JOINT REPORT UNDER
FED.R.CIV.P. 26(f)
AND L. R. 26-1

Hearing Date: April 1, 2013

Time: 1:30pm

Judge: Hon. Otis D. Wright, II

Plaintiff Digitech Image Technologies, LLC (“Plaintiff”) and Defendants Electronics for Imaging, Inc., Panasonic Corporation, Panasonic Corporation of North America, Buy.com, Inc., Best Buy Co., Inc., Best Buy Stores, LP; Bestbuy.com LLC, Canon Inc., Canon U.S.A., Inc., B & H Foto & Electronics Corp., Sakar International, Inc. d/b/a Vivitar, Leaf Imaging LTD (d/b/a Mamiyaleaf), Mamiya America Corporation, Olympus Corporation, Olympus Imaging America, Inc., Leica Camera AG, Leica Camera Inc., Sony Corporation, Sony Corporation of America, Sony Electronics, Inc., FUJIFILM Corporation, General Imaging Co., Sigma Corporation et al., Target Corporation, Nikon Corporation, Nikon Inc., Micro Electronics, Inc., Overstock.com, Inc., Pentax Ricoh Imaging Company, Ltd., Pentax Ricoh Imaging Americas Corp., Ricoh Company, Ltd., Ricoh Americas Corp., Newegg Inc., Newegg.com, Inc., Xerox Corporation, Konica Minolta Business Solutions, U.S.A., Inc., Victor Hasselblad AB and Hasselblad USA Inc., Casio Computer Co Ltd, Casio America, Inc., ASUS Computer International, ASUSTek Computer Inc., Motorola Mobility, LLC et al., Apple Inc. and CDW LLC (collectively “Defendants”), and the Third-Party Defendant in the *Newegg* case, Acacia Research Corporation, file this joint report under Fed. R. Civ. P. 26(f), L. R. 26-1, and the Court’s Scheduling Conference Order and state:

I. INTRODUCTION AND A SHORT SYNOPSIS OF THE PRINCIPAL ISSUES IN THE CASE.

In this case, Plaintiff contends that Defendants infringe United States Patent No. 6,128,415 (“the ‘415 patent”), entitled “Device Profiles for a Digital Image Processing System.” Plaintiff states that various claims of the ‘415 patent cover, *inter alia*, a device profile for describing properties of a device in a digital image reproduction system to capture, transform or render an image, said device profile comprising: first data for describing a device dependent transformation of color

1 information content of the image to a device independent color space; and second
 2 data for describing a device dependent transformation of spatial information content
 3 of the image in said device independent color space. Plaintiff states that damages
 4 from such infringement comprise a reasonable royalty. Plaintiff's Complaints are
 5 incorporated by reference herein.

6 Defendants contend that the '415 patent is invalid and not-infringed, and
 7 have asserted various other defenses in their respective answers and/or
 8 counterclaims, which are all incorporated by reference herein.

9 In addition, Newegg Inc. has filed two counterclaims against Digitech and
 10 Acacia Research Corporation seeking declaratory judgments of non-infringement
 11 and invalidity of the '415 patent. As of the date of the meet-and-confer, Acacia
 12 Research Corporation has filed a Motion to Dismiss which is scheduled to be heard
 13 on April 1, 2013.

14
 15 Both sides assert this is an exceptional case entitling each side to recover its
 16 attorney's fees.

17 **II. ITEMS REQUIRED BY FRCP 26(f):**

18 **FED. R. CIV. P. 26(f)(3)(A). What changes should be made in the timing,**
 19 **form, or requirement for disclosures under Rule 26(a), including a**
 20 **statement of when initial disclosures were made or will be made.**
 21

22 The parties will make Rule 26(a) disclosures by April 8, 2013.

23 The Retailers maintain that no initial disclosures should be made as they have
 24 moved for a stay of the case in its entirety. Until that motion is resolved, the
 25 Retailers do not believe that initial disclosures should be made. However, if the
 26 Court denies the motion to stay, the Retailers will agree to mutually exchange
 27 disclosures with Plaintiff seven (7) business days after any order by the Court
 28

1 denying the Motion to Stay. Plaintiff disagrees with the Retailers' position, and
 2 contends that the Retailers should make initial disclosures along with the other
 3 Defendants.

4 Additionally, Counter-Claimant Newegg Inc. and Third-Party Acacia
 5 Research Corporation ("ARC") agree that initial disclosures do not need to be made
 6 to each other in relation to the counter-claim asserted by Newegg against ARC until
 7 seven (7) business days after any order by the Court denying ARC's Motion to
 8 Dismiss.

9 **FED. R. CIV. P. 26(f)(3)(B). The subjects on which discovery may be**
 10 **needed, when discovery should be completed, and whether discovery**
 11 **should be conducted in phases or be limited to or focused on particular**
 12 **issues.**

13
 14 **Plaintiff's Position:**

15 Plaintiff expects that discovery may be needed regarding, *inter alia*, technical
 16 matters relative to infringement, including the extent and duration of infringement,
 17 the Defendants' knowledge of the patent-in-suit, the willfulness of infringement,
 18 knowledge or intent relative to indirect infringement, matters relevant to the
 19 reasonable royalty determination, including projections, unit sales, revenues and
 20 profits for the accused products, and Defendants' defenses and counterclaims,
 21 including issues related to validity and infringement.

22 **Non-Retailer Defendants' Position:**

23 Defendants expect that discovery may be needed, regarding, *inter alia*:
 24 noninfringement of the '415 patent; invalidity of the '415 patent; lack of damages;
 25 Plaintiff's licensing practices, including any licenses of the '415 patent; marking of
 26 the '415 patent; prior assertions of the '415 patent, if any; and enforceability of the
 27 '415 patent.

Retailer Defendants' Position:

The Retailers are mere resellers of the cameras that Digitech accuses of infringement. Digitech filed separate lawsuits against all of the camera manufacturers that supplied the Retailers the accused cameras. The Retailers understand that no progress has been made in those cases.

The Retailers have no knowledge of the patent-in-suit, no information regarding the internal workings of the accused cameras and no technical expertise regarding the internal workings of digital cameras. Discovery against the Retailers should be stayed until the resolution of the case against the camera manufacturers.

If the case against the Retailers is not stayed in its entirety, then the case against Buy.com, Best Buy, CDW, Target, Micro Electronics and Overstock.com (all of the retailers except B & H Foto and Newegg) should be stayed until just before the close of discovery.

If the case against Buy.com, Best Buy, CDW, Target, Micro Electronics and Overstock.com is not stayed in any respect, then the schedule for Buy.com, Best Buy, CDW, Target, Micro Electronics and Overstock.com should be set in coordination with the discovery and litigation schedule for the camera manufacturers except plaintiff should only be allowed to conduct limited damages discovery.

If the case against Newegg is not stayed in its entirety, the schedule for Newegg should be set in coordination with the discovery and litigation schedule for the camera manufacturers.

If the case against B & H Foto is not stayed in its entirety, the schedule for B & H Foto should be set in coordination with the discovery and litigation schedule for the camera manufacturers except plaintiff should only be allowed to conduct limited damages discovery of B & H Foto.

1 The Retailers cannot reasonably negotiate the boundaries of discovery or a
2 schedule for the camera manufacturers. The Retailers' discovery and litigation
3 schedule should be set in coordination with the discovery and litigation schedule for
4 the camera manufacturers.

5 The Retailers expect that the camera manufacturers and other manufacturing
6 defendants will take discovery of Plaintiff regarding the invalidity of the patent-in-
7 suit, Plaintiff's knowledge of the invalidity of the patent-in-suit, Plaintiff's (or
8 Plaintiff's predecessor(s) in interest's) delay in asserting the patent-in-suit,
9 Plaintiff's damages theories, Plaintiff's licensing campaign and licenses granted to
10 the patent-in-suit, the meaning of certain terms in the patent-in-suit, the
11 inventorship of the patent-in-suit, Plaintiff's (or Plaintiff's predecessor(s) in
12 interest's) commercial embodiments of the patent-in-suit, and Plaintiff's allegations
13 and defenses to Defendants' counterclaims. If the case against the Retailers is not
14 stayed then the Retailers expect to take discovery on the issues listed above.

15 **Acacia Research Corporation's Position:**

16 Third Party-Defendant Acacia Research Corporation ("ARC") is differently
17 situated than any other party to these cases. ARC is an ultimate parent company of
18 Plaintiff. It is not an owner, assignee, or exclusive licensee of the '415 patent and
19 is not asserting any claims in these cases, nor is it a Non-Retailer or Retailer. The
20 majority of the discovery anticipated by the other parties is inapplicable to ARC. It
21 is ARC's position that any discovery of ARC must be narrowly limited to ARC's
22 ownership interest (or, more correctly, lack of ownership interest) in the '415
23 Patent, and that any discovery of ARC should be stayed pending a ruling on its
24 Motion to Dismiss.

25 **FED. R. CIV. P. 26(f)(3)(C) Any issues about disclosure or discovery of**
26 **electronically stored information, including the form or forms in which**
27 **it should be produced.**
28

1
2 Subject to the Court's approval, Plaintiff proposes that the Court enter
3 Federal Circuit's Model E-Discovery Order, which is on-line at [http://www.cafc.uscourts.gov/2011/model-e-discovery-order-adopted-by-the-federal-](http://www.cafc.uscourts.gov/2011/model-e-discovery-order-adopted-by-the-federal-circuit-advisory-counsel.html)
4 [circuit-advisory-counsel.html](http://www.cafc.uscourts.gov/2011/model-e-discovery-order-adopted-by-the-federal-circuit-advisory-counsel.html), and which is set forth in the proposed order at
5 Exhibit 1 hereto. Plaintiff contends that defendants have articulated no basis to
6 deviate from the Federal Circuit's Model E-Discovery Order, which Plaintiff
7 contends strikes a reasonable balance between the competing needs/concerns of
8 both sides.
9

10 Defendants object to Plaintiff's proposed Order and, subject to the Court's
11 approval, propose that the Court enter a modified version of the Model E-Discovery
12 Order at Exhibit 2 hereto. Defendants contend that plaintiff has not articulated any
13 basis to oppose Defendants' form. Defendants contend that they have articulated
14 important and specific reasons why their proposed Order should be adopted,
15 including: all of the Defendants consent to this form; , entering this form would
16 result in a single E-Discovery Order for all of these cases; and this form includes
17 non-email ESI; and this form acknowledges that for the Retailers ESI discovery
18 may not be feasible. Alternatively, Defendants request that this issue be resolved
19 by motion practice. Consistent with Local Rule 7-3, Defendants will meet-and-
20 confer with Plaintiff to attempt to resolve this matter, or at least narrow the issues
21 for the Court, prior to filing the motion.

22 As to the form of discovery, each party will provide the other with
23 productions delivered in a Concordance compatible database format, with a .DAT
24 file to load the record information and an .OPT file to load the image information.
25 The following fields will be provided in the DAT load file, specifically BEGDOC,
26 ENDDOC, and PGCOUNT. As an alternative to this database format, documents
27 may be produced as flat files in PDF format. Large spreadsheet files, such as Excel
28

1 files shall be provided in native form upon request for good cause shown, or at the
 2 election of the producing party. A party may request production of other
 3 documents in native form for good cause shown.

4 **FED. R. CIV. P. 26(f)(3)(D). Any issues about claims of privilege or of**
 5 **protection as trial-preparation materials, including—if the parties agree**
 6 **on a procedure to assert these claims after production—whether to ask**
 7 **the court to include their agreement in an order.**

8
 9 The parties agree that privileged documents, unless related to an opinion of
 10 counsel required to be disclosed under N.D. Cal. Pat. L.R. 3.8, that were generated
 11 on or after July 16, 2012, the date of Digitech's first lawsuit, do not need to be
 12 logged on privilege logs.

13 The parties disagree about whether post-suit legal hold letters (or legal hold
 14 emails) should be logged on privilege logs. Plaintiff contends they should be.
 15 Defendants contend they should not be.

16 The parties further agree that draft expert reports and declarations, including
 17 notes, and communications between expert witnesses and counsel for the purpose
 18 of preparing expert reports or declarations are not discoverable except to the extent
 19 they are relied upon by the expert witness as a basis for his or her opinion.

20 **FED. R. CIV. P. 26(f)(3)(E). What changes should be made in the**
 21 **limitations on discovery imposed under these rules or by local**
 22 **rule, and what other limitations should be imposed.**

23
 24 Except as set forth below, the parties expect discovery to proceed in
 25 accordance with the Federal Rules and the Court's Local Rules.

26 **Position of Plaintiff and Non-retailer Defendants Regarding Depositions:**
 27
 28

1 The parties agree that the following limitations will govern depositions in the
2 above-identified cases:

- 3 1. Plaintiff may depose the individual validity experts designated by
4 Defendants in accordance with Rule 30(b)(1) (i.e., for up to 7 hours)
5 per each expert report. In the event the Defendants designate one or
6 more common validity experts, Plaintiff may depose each such
7 common expert for up to 10 hours per expert report;
- 8 2. Defendants may depose the individual validity experts designated by
9 Plaintiff in accordance with Rule 30(b)(1) (i.e., for up to 7 hours) per
10 each expert report. In the event the Plaintiff designates one or more
11 common validity experts, Defendants may depose each such common
12 expert for up to 7 hours per expert report, plus an additional 3 hours
13 for each Defendant¹ who is the subject of the report;
- 14 3. Plaintiff may depose the individual non-infringement and damages
15 experts designated by Defendants in accordance with Rule 30(b)(1)
16 (i.e., for up to 7 hours) per each expert report. In the event the
17 Defendants designate one or more common non-infringement or
18 damages experts, Plaintiff may depose each such common expert for
19 up to 7 hours per expert report, plus an additional 3 hours per common
20 designating Defendant;
- 21 4. Defendants may depose the individual infringement and damages
22 experts designated by Plaintiff in accordance with Rule 30(b)(1) (i.e.,
23 for up to 7 hours) per each expert report. In the event Plaintiff
24 designates one or more common infringement or damages experts,
25 Defendants may depose each such common expert for up to 7 hours
26

27 ¹ For purposes of depositions, “Defendant” is referring to a group of entities under
28 common ownership or control such as parent and subsidiaries.

per expert report, plus an additional 3 hours per Defendant who is the subject of the report.

5. Defendants may collectively depose Plaintiff in accordance with Rule 30(b)(6) for up to 7 hours per Rule 30(b)(6) designee on common topics plus an additional 3 hours per designee per Defendant;

As to the named inventors and prosecuting attorneys for the patent-in-suit:

- a. Plaintiff proposes that Defendants may collectively depose each of the named inventors and prosecuting attorneys for the patent-in-suit in accordance with Rule 30(b)(1) for up to 14 hours;
- b. Defendants propose that they may collectively depose each of the named inventors and prosecuting attorneys for the patent-in-suit in accordance with Rule 30(b)(1) for up to 7 hours plus an additional 3 hours per Defendant, up to a maximum of 21 hours;

6. Other depositions in the case shall be conducted in accordance with the normal rules applicable to Rule 30(b)(1) and Rule 30(b)(6) depositions; and

7. Plaintiff and each of the Defendants² may take up to 10 fact witness depositions in each of the above-identified cases. This limit does not apply to depositions of inventors, prosecuting attorneys or experts. However, the parties disagree about whether Rule 30(b)(6) designees should count against this 10 fact witness limit. Plaintiff contends that they should not, including because Defendants control how many persons they designate under Rule 30(b)(6). Defendants contend that Rule 30(b)(6) designees should count against the 10 deponent limit.

² For purposes of this paragraph, "Defendants" means collectively all defendants named in the above-captioned cases.

1 The Defendants contend that without counting the Rule 30(b)(6)
2 designees against the limit on fact witnesses the total number of
3 depositions in the matter could become excessive. The Defendants
4 also note that its proposal applies equally to both sides as Plaintiff, as
5 well as Defendants, control how many persons it designates under
6 Rule 30(b)(6) Finally, the Advisory Committee Note to the 1993
7 amendment to Rule 30 that created the presumptive limit of 10
8 depositions per side makes clear that '[a] deposition under Rule
9 30(b)(6) should, for purposes of [the 10 deposition] limit, be treated as
10 a single deposition even though more than one person may be
11 designated to testify.

12 **Retailers' Position Regarding Depositions:**

- 13 1. The issues facing the Retailers are far different from the issues facing
14 most other defendants. Many of those other defendants manufacture the
15 accused products. The accused products include digital cameras,
16 multifunction printers and scanners, cell phones and tablets. The Retailers
17 are merely accused of selling some of the accused digital cameras, a small
18 subset of the accused products. And, even for the accused digital cameras
19 that the Retailers do sell, Digitech's depositions on technical topics
20 related to invalidity and infringement will involve witnesses from the
21 camera manufacturers, not witnesses from the Retailers.
- 22 2. Each retailer is accused of selling a different set of digital cameras than
23 every other retailer. For example, Overstock.com is not accused of selling
24 any Casio, Fujifilm, GE or Sony products. CDW is not accused of selling
25 any Mamiya or Sakar products. Best Buy is not accused of selling any
26 Sigma products. And so on. No retailer is interested in the exact same
27 issues as any other retailer and thus cannot agree to be bound by common
28

1 deposition limits with those other retailers.

- 2 3. Further, the Retailers are only accused of selling digital cameras. The
 3 Retailers are not accused of selling multifunction printers and scanners,
 4 cell phones or tablets. The infringement issues related to digital cameras
 5 are different than the infringement issues related to multifunction printers
 6 and scanners, cell phones and tablets. Thus, the Retailers cannot agree to
 7 be bound by common deposition limits with the defendants that
 8 manufacturer multifunction printers and scanners, cell phones or tablets.
- 9 4. Accordingly, the limitations imposed by the Federal Rules should apply to
 10 depositions except: 1) the Retailers may depose each of the named
 11 inventors and prosecuting attorneys for the patent-in-suit in accordance
 12 with Rule 30(b)(1) for up to 10 hours over two days with a maximum of 7
 13 hours of testimony on either day; and 2) depositions of the Retailers shall
 14 be limited to topics related to sales, distribution and marketing of the
 15 accused products and prior knowledge, if any, of the asserted patent.

16 **Interrogatories and Requests for Admission:**

17 **Plaintiff's and Non-Retailers Position Regarding Interrogatories**
 18 **and Requests for Admission**

19 The plaintiff and non-retailer defendants do not request any modifications to
 20 the Federal Rules of Civil Procedure with respect to interrogatories and requests for
 21 admissions.

22 **Retailers' Position Regarding Interrogatories and Requests for**
 23 **Admissions**

24
 25 Interrogatories propounded on the Retailers shall be limited to sales,
 26 distribution and marketing of the accused products and pre-filing knowledge of the
 27 asserted patent. Except for requests for admission directed to admissibility issues,
 28

1 requests for admission propounded on the Retailers shall be limited to sales,
2 distribution and marketing of the accused products and pre-filing knowledge of the
3 asserted patent. Plaintiff disagrees with the Retailers' position and contends that if
4 they truly lack information, for example, technical information, responsive to a
5 discovery request, then they should just respond that they lack the requested
6 information.

7
8 **FED. R. CIV. P. 26(f)(3)(F). Any other orders that the court should issue**
9 **under Rule 26(c) or under Rule 16(b) and (c).**
10

11
12 Plaintiff proposes the Protective Order at Exhibit 3 hereto. This is the same
13 Protective Order that the Court has already entered in the *Electronics for Imaging*
14 case. This Proposed Protective Order is almost identical to the Standard Stipulated
15 Protective Order for Litigation Involving Patents in the Northern District of
16 California. The only changes to the Northern District's Standard Order are (1) to
17 conform it to the Local Rules of the Central District with respect to filing
18 documents under seal, and (2) there are relatively minor modifications to Sections
19 5.1 and 5.2, which relate to how protected information is designated. Plaintiff
20 contends that defendants have not articulated any basis to oppose this form, which
21 represents the fair and reasonable balance struck by the Northern District's
22 Standard Order.

23 Defendants object to Plaintiff's proposed Protective Order, and instead
24 propose the Protective Order, which is attached hereto as Exhibit 4, and request that
25 the Court enter this Order in all of the above-identified cases. Defendants contend
26 that plaintiff has not articulated any basis to oppose Defendants' form. Defendants
27 contend that they have articulated important and specific reasons why their
28

1 proposed Order should be adopted, including: all of the Defendants—including
2 Electronics for Imaging—consent to this form; entering this form would result in a
3 single Protective Order for all of these cases; and this form contains critical
4 safeguards for the manufacturers regarding the protection of source code, which
5 safeguards are routinely requested by the manufacturers and adopted by courts.
6 Without the necessary safeguards on critical source code, it is possible there could
7 be inadvertent disclosure of source code, which could irreparably damage some of
8 the manufacturers. Accordingly, if Defendants' Protective Order is not adopted,
9 Defendants should be afforded the opportunity to brief this issue before the Court
10 by way of motion practice to establish their position on this very critical issue.

11 Consistent with Local Rule 7-3, the parties will meet-and-confer to attempt to
12 resolve this matter, or at least narrow the issues for the Court, prior to filing the
13 motion.

14 **III. ITEMS REQUIRED BY L.R. 26-1:**

15
16 **L. R. 26-1(a). The complexity of the case, and whether all or part of the**
17 **procedures of the Manual for Complex Litigation (current edition)**
18 **should be utilized. Counsel may propose to the Court modifications of**
19 **the procedures in the Manual to facilitate the management of a**
20 **particular action.**

21
22 The parties agree that the procedures in the Manual for Complex Litigation
23 are not necessary for this matter.

24 **L. R. 26-1(b). The dispositive or partially dispositive motions which are**
25 **likely to be made, and a cutoff date by which all such motions shall be**
26 **made.**

1 Plaintiff and Defendants both anticipate filing at least summary judgment
2 motions in the case. *See* proposed schedule at Appendix A, *infra*.

3 Additionally, Counter-Defendant Acacia Research Corporation intends to file
4 a motion for summary judgment if its pending Motion to Dismiss is not granted.

5 **L. R. 26-1(c). The likelihood of settlement, whether settlement**
6 **discussions have taken place or are scheduled, and which mandatory**
7 **settlement procedure should be utilized under L.R. 16-15.**

8
9 To date, few of the parties have discussed settlement. The parties expect to
10 discuss settlement in the near future.

11 The Retailers believe that settlement will only be possible through
12 settlements between Plaintiff and the camera manufacturers which supply the
13 accused cameras to the Retailers. If the camera manufacturers which supply the
14 accused cameras to the Retailers settle with Plaintiff then those settlements will also
15 cover the Retailers.

16 At this time, the likelihood of settlement is speculative. Pursuant to Local
17 Rule 16-15.4, the parties recommend the settlement procedure comprising
18 appearance before a retired judicial officer or other private or non-profit dispute
19 resolution body for non-judicial settlement or mediation proceedings. *See* Local
20 Rule 16-15.4(3).

21 **L. R. 26-1(d). A preliminary estimate of the time required for trial.**

22
23 The parties preliminary estimate that seven calendar days will be required for
24 each trial against each Defendant.

25 **L. R. 26-1(e). The likelihood of appearance of additional**
26 **parties.**

1 Plaintiff states that it only anticipates adding additional parties if discovery
 2 reveals that Defendants' affiliates are actually the ones performing the infringing
 3 acts relative to one or more of the accused products. Defendants state that certain
 4 third parties from which accused technology is purchased or otherwise obtained
 5 may elect to intervene in one or more cases, or Defendants in such cases may seek
 6 to bring such third parties in as third-party defendants. Otherwise, the parties' state
 7 that additional parties are not likely to appear.

8 **L. R. 26-1(f). The proposed timing of disclosures under Fed. R. Civ. P.**
 9 **26(a)(2).**

10
 11 Per the proposed schedule at Appendix A, *infra*.

12 **IV. ITEMS REQUIRED BY THE SCHEDULING CONFERENCE**
 13 **ORDER:**

14 **(1) A listing and proposed schedule of written discovery, depositions, and**
 15 **a proposed discovery cut-off date.**

16
 17 Pending the outcome on the Retailers' Motion to Stay and Counter-
 18 Defendant Acacia Research Corporation's Motion to Dismiss, and consistent with
 19 the Court's orders consolidating cases for purposes of discovery and claim
 20 construction, the parties have proposed that each of the above-identified cases
 21 proceed on the same schedule through the close of fact and expert discovery
 22 (including claim construction). Per the Court's Standing Order Regarding Patent
 23 Cases, the parties' proposed schedules are based upon the Patent Local Rules of the
 24 United States District Court for the Northern District of California, and this is set
 25 forth at Appendix A *infra*.

26 In light of the number of defendants, the Defendants propose that the Court
 27 hold a scheduling conference at the close of discovery to address the remaining
 28

1 deadlines to file motions (both motions in limine and motions other than those in
 2 limine), and to schedule the pre-trial conference and trial dates. As a general
 3 proposition, the parties agree that the Court should enter staggered deadlines for
 4 these dates at the Court's convenience.

5 The Parties agree on separate trials for each Defendant pursuant to 35 U.S.C.
 6 section 299.

7 **(2) A listing and proposed schedule of law and motion matters, and a**
 8 **proposed dispositive motion cut-off date.**

9
 10 Per the proposed schedules at Appendix A *infra*.

11 **(3) a statement of what efforts have been made to settle or resolve the**
 12 **case to date and what settlement procedure is recommended pursuant to**
 13 **Local Rule 16-15.4 (specifically excluding any statement of the terms**
 14 **discussed).**

15
 16 To date, few of the parties have discussed settlement. Pursuant to Local
 17 Rule 16-15.4, the parties recommend the settlement procedure comprising
 18 appearance before a retired judicial officer or other private or non-profit dispute
 19 resolution body for non-judicial settlement or mediation proceedings. *See* Local
 20 Rule 16-15.4(3).

21 The Retailers believe that settlement will only be possible through
 22 settlements between Plaintiff and the camera manufacturers which supply the
 23 accused cameras to the Retailers. If the camera manufacturers which supply the
 24 accused cameras to the Retailers settle with Plaintiff then those settlements will also
 25 cover the Retailers.

26 **(4) An estimated length of trial and a proposed date for the Final**
 27 **Pretrial Conference and for Trial.**

1
2 The parties presently estimate that trial of this matter against each Defendant
3 will take seven calendar days. Their proposal for the Final Pretrial Conference and
4 Trial are set forth in Appendix A, *supra*.

5 **(5) A discussion of other parties likely to be added.**

6 Plaintiff states that it only anticipates adding additional parties if discovery
7 reveals that Defendants' affiliates are actually the ones performing the infringing
8 acts relative to one or more of the accused products. Defendants state that certain
9 third parties from which accused technology is purchased or otherwise obtained
10 may elect to intervene in one or more cases, or Defendants in such cases may seek
11 to bring such third parties in as third-party defendants. Otherwise, the parties' state
12 that additional parties are not likely to appear.

13 **(6) Whether trial will be by jury or to the court.**

14 Both sides have filed jury demands and anticipate there will be a jury trial
15 over all issues triable by jury.

16 **(7) Any other issues affecting the status or management of the case.**

17 As noted above, there are thirty-two patent infringement cases involving the
18 patent-in-suit pending before this Court. Due to the number of related cases before
19 the Court, and as set forth above, the Parties identified above propose a single
20 schedule for all cases through the close of fact and expert discovery (including
21 through claim construction) as set forth in Appendix A, *infra*.

22 **(8) Proposals regarding severance, bifurcation or other ordering of**
23 **proof.**

24 **Plaintiff:**

25 Plaintiff opposes a stay of the retailer cases.

26 **Non-Retailer Defendants:**

27 The Non-Retailer Defendants do not oppose a stay of the retailer cases.
28

Retailer Defendants:

The Retailers contend that the proceedings against them should be stayed pending the resolution of the litigation against the digital camera manufacturers.

If the case against The Retailers is not stayed in its entirety, then the case against Buy.com, Best Buy, CDW, Target, Micro Electronics and Overstock.com (all of the retailers except B & H Foto and Newegg) should be stayed until just before the close of discovery.

If the case against Buy.com, Best Buy, CDW, Target, Micro Electronics and Overstock.com is not stayed in every respect, then the schedule for Buy.com, Best Buy, CDW, Target, Micro Electronics and Overstock.com should be set in coordination with the discovery and litigation schedule for the camera manufacturers except plaintiff should only be allowed to conduct limited damages discovery.

If the case against Newegg is not stayed in its entirety, the schedule for Newegg should be set in coordination with the discovery and litigation schedule for the camera manufacturers.

If the case against B & H Foto is not stayed in its entirety, the schedule for B & H Foto should be set in coordination with the discovery and litigation schedule for the camera manufacturers except plaintiff should only be allowed to conduct limited damages discovery of B & H Foto.

Third-Party Defendant Acacia Research Corporation:

ARC reserves the right to file a motion to stay the third-party claims against it pending resolution of the primary litigation between plaintiff Digitech and defendant/third-party plaintiff Newegg.

(9) A short synopsis of the principal issues in the case.

See Section I above.

(10) A statement of whether pleadings are likely to be amended.

1 As discovery progresses, each side may amend pleadings by the cut-off date
2 for amendments.

3 **(11) A statement as to issues which any party believes may be**
4 **determined by motion.**

5
6 Third-Party-Defendant Acacia Research Corporation intends to file a motion for
7 summary judgment if its pending Motion to Dismiss is not granted.
8 SO STIPULATED.
9

10
11 Dated: March 18, 2013 Collins Edmonds Pogorzelski Schlather &
12 Tower PLLC
13

14
15 By: /s/ JOHN J. EDMONDS

16 JOHN J. EDMONDS

17 Attorneys for Plaintiff

18 Digitech Image Technologies, LLC
19
20
21
22
23
24
25
26
27
28

1 Dated: March 18, 2013 Jones Day

2
3
4 By: /s/ FRANK P. COTE

5 FRANK P. COTE

6
7 Attorneys for Defendant
8 Electronics for Imaging, Inc.

9
10 Dated: March 18, 2013 Orrick, Herrington & Sutcliffe LLP

11
12 By: /s/ CHRISTOPHER P. BRODERICK

13 CHRISTOPHER P. BRODERICK

14
15 Attorneys for Defendants
16 Panasonic Corporation And Panasonic
17 Corporation of North America
18

19 Dated: March 18, 2013 Dorsey & Whitney LLP

20
21
22 By: /s/ CASE COLLARD

23 CASE COLLARD

24
25 Attorneys for Defendant Buy.com Inc.
26
27
28

1 Dated: March 18, 2013 Robins, Kaplan, Miller & Ciresi L.L.P.

2
3
4 By: /s/ MICHAEL A. GEIBELSON

5 MICHAEL A. GEIBELSON

6 Attorneys for Defendants

7 Best Buy Co., Inc., Best Buy Stores, LP, and
8 Bestbuy.Com LLC
9

10 Dated: March 18, 2013 Orrick, Herrington & Sutcliffe LLP

11
12
13 By: /s/ CHRISTOPHER P. BRODERICK

14 CHRISTOPHER P. BRODERICK

15 Attorneys for Defendants

16 Canon Inc. and Canon U.S.A., Inc.
17

18 Dated: March 18, 2013 Kaye Scholer LLP

19
20
21 By: /s/ OSCAR RAMALLO

22 OSCAR RAMALLO

23 Attorneys for Defendant

24 B & H Foto & Electronics Corp.
25
26
27
28

1 Dated: March 18, 2013

Kohan Law Firm

2 Ezra Sutton & Associates, P.A.

3
4
5 By: /s/ K. TOM KOHAN

6 K. TOM KOHAN

7 Attorneys for Defendant and

8 Counter-claimant Sakar International, Inc.

9
10 Dated: March 18, 2013

Greenburg Traurig, LLP

11
12
13 By: /s/ J. RICK TACHÉ

14 J. RICK TACHÉ

15 Attorneys for Defendant

16 Mamiya America Corporation

17
18 Dated: March 18, 2013

Greenburg Traurig, LLP

19
20
21 By: /s/ J. RICK TACHÉ

22 J. RICK TACHÉ

23 Attorneys for Defendant

24 Leaf Imaging Ltd.

1 Dated: March 18, 2013 Orrick, Herrington & Sutcliffe LLP

2
3
4 By: /s/ CHRISTOPHER P. BRODERICK

5 CHRISTOPHER P. BRODERICK

6 Attorneys for Defendants

7 Olympus Corporation and Olympus Imaging
8 America, Inc.

9
10 Dated: March 18, 2013 Crowell & Moring LLP

11
12
13 By: /s/ DANIEL A. SASSE

14 DANIEL A. SASSE

15 Attorneys for Defendants

16 Leica Camera AG and Leica Camera Inc.

17
18 Dated: March 18, 2013 Finnegan, Henderson, Farabow, Garrett &
19 Dunner, LLP

20
21
22 By: /s/ LIONEL M. LAVENUE

23 LIONEL M. LAVENUE

24 Attorneys for Defendants

25 Sony Corporation, Sony Corporation of
26 America, and Sony Electronics Inc.

1 Dated: March 18, 2013 Orrick, Herrington & Sutcliffe LLP
2
3

4 By: /s/ CHRISTOPHER P. BRODERICK

5 CHRISTOPHER P. BRODERICK
6

7 Attorneys for Defendant
8

9 FUJIFILM Corporation
10

11 Dated: March 18, 2013 Knobbe, Martens, Olson & Bear, LLP
12

13 By: /s/ JON W. GURKA

14 JON W. GURKA
15

16 Attorneys for Defendant
17

18 General Imaging Company
19

20 Dated: March 18, 2013 Orrick, Herrington & Sutcliffe LLP
21

22 By: /s/ CHRISTOPHER P. BRODERICK

23 CHRISTOPHER P. BRODERICK
24

25 Attorneys for Defendants
26

27 Sigma Corporation and Sigma Corporation of
28 America

1 Dated: March 18, 2013 Orrick, Herrington & Sutcliffe LLP
2
3

4 By: /s/ CHRISTOPHER P. BRODERICK

5 CHRISTOPHER P. BRODERICK
6

7 Attorneys for Defendant
8

9 Target Corporation
10

11 Dated: March 18, 2013 Orrick, Herrington & Sutcliffe LLP
12

13 By: /s/ CHRISTOPHER P. BRODERICK

14 CHRISTOPHER P. BRODERICK
15

16 Attorneys for Defendants
17

18 Nikon Corporation and Nikon, Inc.
19

20 Dated: March 18, 2013 Orrick, Herrington & Sutcliffe LLP
21

22 By: /s/ CHRISTOPHER P. BRODERICK

23 CHRISTOPHER P. BRODERICK
24

25 Attorneys for Defendant
26

27 Micro Electronics, Inc.
28

1 Dated: March 18, 2013 Orrick, Herrington & Sutcliffe LLP
2
3

4 By: /s/ CHRISTOPHER P. BRODERICK

5 CHRISTOPHER P. BRODERICK
6

7 Attorneys for Defendant
8

9 Overstock.com, Inc.
10

11 Dated: March 18, 2013 The Webb Law Firm
12

13 By: /s/ CECILIA R. DICKSON

14 CECILIA R. DICKSON
15

16 Attorneys for Defendants
17

18 Newegg Inc. and Newegg.com Inc. and
19

20 Counter-Plaintiff Newegg Inc.
21

22 Dated: March 18, 2013 DLA Piper LLP (US)
23

24 By: /s/ RICHARD DE BODO

25 RICHARD DE BODO
26

27 Attorneys for Defendants
28

Pentax Ricoh Imaging Co., Ltd.; Pentax Ricoh

Imaging Americas Corporation; Ricoh

Company, Ltd.; and Ricoh Americas Corp.

1 Dated: March 18, 2013 Ballard Spahr LLP
2
3

4 By: /s/ ROSINA M. HERNANDEZ

5 ROSINA M. HERNANDEZ

6 Attorneys for Defendant
7

8 Xerox Corporation
9

10 Dated: March 18, 2013 Orrick, Herrington & Sutcliffe LLP
11

12 By: /s/ CHRISTOPHER P. BRODERICK

13 CHRISTOPHER P. BRODERICK

14 Attorneys for Defendant
15

16 Konica Minolta Business Solutions, U.S.A.,
17 Inc.

18 Dated: March 18, 2013 Marshall, Gerstein & Borun LLP
19 Gibson, Dunn & Crutcher LLP
20

21
22 By: /s/ ANTHONY S. GABRIELSON

23 ANTHONY S. GABRIELSON Attorneys for
24 Defendant
25

26 CDW LLC
27
28

1 Dated: March 18, 2013 Renner, Otto, Boisselle & Sklar, LLP

2
3
4 By: /s/ MARK C. JOHNSON

5 MARK C. JOHNSON

6 Attorneys for Defendants

7 Victor Hasselblad AB and Hasselblad USA
8 Inc.

9
10 Dated: March 18, 2013 Sills Cummis & Gross P.C.

11
12
13 By: /s/ SCOTT D. STIMPSON

14 SCOTT D. STIMPSON

15 Attorneys for Defendants

16 Casio America, Inc. and Casio Computer Co.,
17 Ltd.

18
19 Dated: March 18, 2013 Turner Boyd LLP

20
21
22 By: /s/ JOSHUA M. MASUR

23 JOSHUA M. MASUR

24 Attorneys for Defendants

25 ASUS Computer International and ASUSTeK
26 Computer Inc.

1 Dated: March 18, 2013 Bostwick & Jassy LLP
2 Kilpatrick Townsend & Stockton LLP
3
4

5 By: /s/ GARY L. BOSTWICK

6 GARY L. BOSTWICK

7 Attorneys for Defendant
8 Motorola Mobility LLC
9

10 Dated: March 18, 2013 Jones Day
11

12
13 By: /s/ FRANK P. COTE

14 FRANK P. COTE

15 Attorneys for Defendant
16 Apple Inc.
17

18 Dated: March 18, 2013 Hodel Briggs Winter LLP
19

20
21 By: /s/ KARLA J. KRAFT

22 KARLA J. KRAFT

23 Attorneys for Defendant
24 Acacia Research Corporation
25
26
27
28

1 **SO ORDERED.**

2 DATED: _____

3 Hon. Otis D. Wright, II

4 UNITED STATES DISTRICT JUDGE

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I, John J. Edmonds, declare as follows:

I am over the age of eighteen years and am not a party to this action. I am employed at the law firm of Collins, Edmonds, Pogorzelski, Schlather & Tower, PLLC and I am a member of the bar of this Court. I hereby certify that on March 18, 2013 the following document was transmitted via the Court's Electronic Case Filing (ECF) system:

**JOINT REPORT UNDER FED.R.CIV.P. 26(f)
AND L.R. 26-1**

I further certify that the attached document was sent on March 11, 2013 via the Court's Electronic Case Filing (ECF) system to all counsel of record in this action.

March 18, 2013

Respectfully Submitted,

/s/ John J. Edmonds

John J. Edmonds

ATTORNEY FOR PLAINTIFF
DIGITECH IMAGE
TECHNOLOGIES, LLC.